

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Niels Gebauer

Serial No.: 09/189,615

Examiner: G. Robinson

Filing Date: November 9, 1998

Group Art Unit: 2177

For: METHOD AND APPARATUS FOR PROVIDING AN AVAILABILITY
MESSAGE TO A REMOTE USER TERMINAL (AMENDED)

Docket No.: 33012/246/101

**REQUEST FOR CONTINUED EXAMINATION (RCE)
(37 C.F.R. 1.114)**

Box RCE
Honorable Commissioner of Patents
and Trademarks
Washington, D.C. 20231

RECEIVED

JAN 24 2003

Technology Center 2100

Dear Sir:

1. Applicant hereby requests continued examination, in accordance with 37 C.F.R. § 1.114, for the above identified application.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. as "Express Mail Post Office to Addressee" Mailing Label No. EL 101 812 958 US

January 17, 2003


Carolyn I. Erickson

TIME REQUEST IS BEING MADE

2. This request is being submitted (check appropriate item(s) below):

- i. ☒ Prior to abandonment of the application

- ii. ☐ Payment of the issue fee
☐ Prior to payment of issue fee
☐ Issue fee has been paid but a petition under § 1.313 has been granted
- iii. ☐ Prior to a decision on appeal to the Board of Patent Appeals & Interferences
☐ A notice is being separately sent to the Board of Patent Appeals & Interferences that this request for Continued Examination is being filed.
- iv. ☐ Appeal to the U.S. Court of Appeals of the Federal Circuit under 35 U.S.C. 145 or
☐ Commencement of a civil action under 35 U.S.C. 146
☐ Prior to the filing of such appeal or commencement of civil action
☐ Such appeal or commencement of civil action has been terminated

ENCLOSURES

3. Enclosed herewith is/are:

- ☐ An information disclosure (37 C.F.R. § 1.98)
☐ Form PTO-1449 (PTO/SB/08A and 08B)
- ☒ A Preliminary Amendment
- ☐ New arguments
- ☐ New evidence in support of patentability
- ☒ Other: Declaration

FEE FOR REQUEST (37 C.F.R. § 1.17(e))

4. This application is on behalf of:

- ☐ Small entity (and status is still as small entity)
\$375.00
- ☒ Other than a small entity
\$750.00

5. The fee for claims (37 C.F.R. § 1.16(b) - (d)) has been calculated as shown below:

CLAIMS AS FILED						
	(1)	(2)	SMALL ENTITY		OTHER	
FOR:	# FILED	# EXTRA	Rate	Fee	Rate	Fee
BASIC FEE				\$375		\$750
TOTAL CLAIMS	22-20 =	2	x9=	\$	x18=	\$ 36
INDEPENDENT CLAIMS	5 -3 =	2	x42=	\$	x84=	\$168
() MULTIPLE DEPENDENT CLAIM PRESENTED			+140=	\$	+280=	\$ 0
TOTAL			\$		\$954.00	

(complete (c) or (d), as applicable)

(c) ☐ No additional fee is required.

OR

(d) ☒ Total additional fee required is \$ 204.00.

EXTENSION OF TIME

6. The proceedings herein are for a patent application, and the provisions of 37 C.F.R. § 1.136(a) apply.

(a) ☐ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a)(1)-(4), for the total number of months checked below:

Extension for (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$110.00	\$55.00
<input type="checkbox"/> two months	\$410.00	\$205.00
<input type="checkbox"/> three months	\$930.00	\$465.00
<input type="checkbox"/> four months	\$1,450.00	\$725.00

Fee: \$ _____

If an additional extension of time is required, please consider this petition therefor.

(check and complete the next item, if applicable)

☐ An extension for _____ months has already been secured, and the fee paid therefor of \$_____ is deducted from

the total fee due for the total months of extension now requested.

Extension fee due with this request \$_____

OR

- (b) ☒ Applicant(s) believe(s) that no extension of time is required. However, this is a conditional petition and authorization to pay the necessary fees to provide for the possibility that Applicant(s) has/have inadvertently overlooked the need for a petition and fee for extension of time.

TOTAL FEE(S) DUE

7. The total fee(s) due is/are:

Continued Prosecution Fee (§ 1.17(e))	\$ 750.00
Fee(s) for additional claims (if any) (§ 1.16(b) - (d))	\$ 204.00
Extension of time fee (if any) (§ 1.17(a) (1) - (4))	\$.00

Total Fee(s) Due \$ 954.00

PAYMENT OF FEE(S) DUE

8. Please pay the fee(s) for this continued examination application as follows:

- ☒ Check is attached for the sum of \$ 954.00
- ☐ Charge Account 14-0620 the sum of \$ _____
- ☒ Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

INVENTORSHIP

9. This application as amended names as inventors:

- ☒ the same inventors as previously designated for the claims.
- ☐ fewer than the inventors previously designated and a statement accompanies this request for the deletion of the name or names of the person or persons who are not

- inventors of the invention now being claimed.
- ☐ a person not named previously as an inventor and a petition under 37 C.F.R. § 1.48 is/has separately:
- ☐ being filed
- ☐ been filed

DEFERRAL OF EXAMINATION

10. ☐ A request for deferral of examination accompanies this request for continued examination.

Respectfully submitted,

Niels Gebauer

By his attorney

Date

January 17, 2003

Lawrence M. Nawrocki

Lawrence M. Nawrocki

Reg. No. 29,333

NAWROCKI, ROONEY & SIVERTSON, P.A.

Suite 401, Broadway Place East

3433 Broadway St. N.E.

Minneapolis, MN 55413

(612) 331-1464